



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Phillip MERRICK, et al.

Attorney Docket A7145

Appln. No.: 09/274,979

Confirmation No.: 9188

Group Art Unit: 2151

Filed: March 23, 1999

Examiner: COURTENAY

For: XML REMOTE PROCEDURE CALL (XML-RPC)

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REQUEST FOR RECONSIDERATION

Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the Office action mailed February 27, 2003, please consider the following:

REMARKS

Claims 125-179 stand in the application, all claims having been rejected. The rejections are respectfully traversed for the reasons given below.

The examiner states at the beginning of his remarks that applicants' representative conceded in a telephone conference that the subject matter of claims 125-179 was not enabled by the disclosure of the first provisional application 60/079,100 filed March 23, 1998. It is believed that the examiner has inadvertently mischaracterized the conversation. The undersigned noted that it is clear that there is no mention in the first-filed provisional application of a number of the specific features recited in claims 125-179, so that the first-filed provisional application would not satisfy the description requirement of 35 USC 112 with respect to claims 125-179. The enablement requirement of 35 USC 112 was not discussed.

Submitted herewith is a copy of page 80 of the originally filed application as requested by the examiner.

All claims stand rejected under 35 USC 102(a) as anticipated by "Goldfarb et al", pp. 555-568 of *The XML Handbook*. As earlier mentioned by the undersigned and noted by the examiner in the Office action, this excerpt from *The XML Handbook* is prefaced by a statement